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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,509	05/23/2001	Manny Powers	01-393	9889

7590 08/18/2004

McDonnell Boehnen Hulbert & Berghoff
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EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/863,509	Applicant(s) POWERS, MANNY	
	Examiner Michael Y Won	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the Election/Restriction mailed May 20, 2004 (paper no.2), the applicant has elected claims 1-5 and 9-17 of Group I. Claims 6-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
2. Claims 1-5 and 9-17 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 9-11, and 14-17 rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al (US 6,131,112 A).

INDEPENDENT:

As per claims 1, 9, 14, 16, and 17, Lewis teaches of a method, a system manager comprising memory and processor, a system comprising means, a computer program comprising code, and a computer readable medium having stored therein instructions for processing commands comprising: receiving and storing in a memory (see col.13, lines 24-37) a first command line interface, the first command line interface processing commands addressed to boards of a first board type (see col.8, lines 54-56); receiving and storing in memory a second command line interface, the second command line interface processing commands addressed to boards of the first board type (inherent: see NOTE below); and processing a first command using the first command line interface (see col.13, line 66 to col.14, line 3) and a second command using the second command line interface (see col.13, line 66 to col.14, line 3), the first command and the second commands addressed to boards having the first board type (inherent: see NOTE below).

NOTE: Lewis does not explicitly teach of a second command line interface, however, he does teach "A command line interface 47 allows a user or external

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application to enter command that directly invokes a particular one of these software modules, thus providing interface with external entities" (see col.8, lines 61-65).

Therefore, it is inherent that when more than one software modules are invoked within a platform, corresponding CLI must be employed. Furthermore, successive invocation of the CLI could also inherently be labeled first, second, third, ect.

DEPENDENT:

As per claims 2 and 15, Lewis teaches of further comprising routing a single command to multiple boards using the first command line interface (see col.9, lines 31-50).

As per claims 3 and 11, Lewis further teaches wherein the first and second commands are CLI commands (see col.8, lines 56-59).

As per claim 10, Lewis further teaches wherein the processor receives commands addressed to the multiple boards and routes commands to the multiple destinations (see col.9, lines 4-10 & 31-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (US 6,131,112 A) in view of Heck (US 6,317,743 A).

As per claims 4 and 12, Lewis does not explicitly teach of further comprising converting the first and second commands from a first protocol to a second protocol. Heck teaches of converting commands from a first protocol to a second protocol (see col.5, lines 15-34 and col.8, lines 64-65). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Heck within the system of Lewis by implementing a compiler to convert commands from a first protocol to a second protocol within the command processing method and system manager because Lewis teaches that the network management platform allows for collective management of autonomous local area networks (LANs), with equipment from different vendors" and complies with SNMP standards, "and can also accommodate other standard and proprietary protocols" (see col.5, lines 46-51) Therefore, such an implementation would enable the different proprietary protocols to communicate with each other.

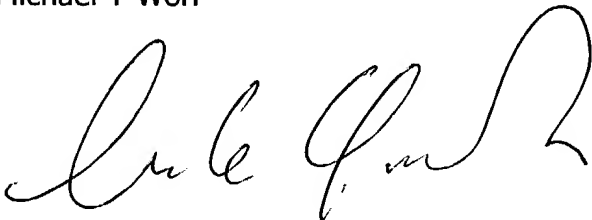
As per claims 5 and 13, Lewis further teaches wherein the first protocol is CLI and the second protocol is SNMP (see col.5, lines 48-50).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y Won whose telephone number is 703-605-4241. The examiner can normally be reached on M-Th: 6AM-3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Y Won



August 12, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER